

Notice of Allowability

Application No.

10/694,492

Examiner

Russell Frejd

Applicant(s)

RINKS ET AL.

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received 10 September 2007.
2. ☒ The allowed claim(s) is/are 1,8,9 and 13-70.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 9.11.07
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Russell Frejd
RUSSELL FREJD
PRIMARY EXAMINER

In re Application of: Rinks et al.

Allowance of Application # 10/694,492

1. The following communication is in response to applicant's amendment received 10-September-2007. Claims 1, 8, 9, and 13-70 are pending in the application. Claims 2-7 and 10-12 are canceled.

Reasons for Allowance

2. The following is an Examiner's Statement of Reasons for the indication of allowable subject matter.

2.1 The improvement of the present invention comprises, in various embodiments, a method for determining a set of materials for constructing a wood frame building, wherein the set of materials is determined based on parameters for walls, poles, a roof, and a building opening, in view of information pertaining to a set of raw and finished goods, the set of materials then used to generate a model of the wood frame building. This patentable distinction is included in independent claims, nos. 1, 49 and 50. Furthermore, claim 50 defines a scroll bar operable for relocating an opening of the wood frame building to a new location.

2.2 The instant application is directed to a non-obvious improvement over the invention described in USP 6,826,516, issued to Ito, which teaches designing and reexamining designs of building structures, and processing building structural components based on CAD data.

In re Application of: Rinks et al.

2.3 Independent claim 49 further uses "means for" language, and is given deference in view of In re Donaldson and interpreted in view of 35 U.S.C. § 112, Sixth Paragraph. The "means for" language, and the limitations related thereto of claim 49, are interpreted within the scope of enablement as provided within the relative embodiment provided within the specification. In particular, the specific "computer readable program code means for" limitations, as recited in claim 49 and defined by the specification, are interpreted as being directed to the application program known as "Construction Maestro™ Version 2.0" [specification, p. 6, line 4].

2.4 The art of record, either individually or in combination, fails to teach, suggest, or render obvious the specific arrangement of elements in the same combination as now required by the amended claims. In view of the foregoing, the claims of the present application are found to be patentable over the prior art.

Prior Art

3. The prior art made of record but not relied upon, discovered in an updated search, is considered pertinent to Applicant's disclosure, and consists of :

Tarabia et al. *Static and Dynamic Modeling of Light-Frame Wood Buildings*

Response Guidelines

4. Any comments considered necessary by applicant **MUST** be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should clearly be labeled "Comments on Statement of Reasons for Allowance".

In re Application of: Rinks et al.

4.1 Any response to the Examiner in regard to this allowance should be

directed to: Russell Frejd, telephone number (571) 272-3779, Monday-Friday from 0530 to 1400 ET, **or** the examiner's supervisor, Kamini Shah, telephone number (571) 272-2279. Inquires of a general nature or relating to the status of this application should be directed to the TC2100 Group Receptionist (571) 272-2100.

mailed to: Commissioner of Patents and Trademarks
P.O. Box 1450, Alexandria, VA 22313-1450

or faxed to: (571) 273-8300

Hand-delivered responses should be brought to the Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

Date: 29-September-2007

/Russell Frejd/
Primary Examiner AU 2128

**RUSSELL FREJD
PRIMARY EXAMINER**